IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

TUESDAY, THE SIXTH DAY OF JULY
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

and
THE HON'BLE MR JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO : 1019 of 2004

Writ Appeal under Clause 15 of the Letters Patent against the Order dated 01/04/2004 in WP NO.14594 OF 1993 on the file of the High Court.

Between:

M. Balaraju, S/o Chinna Seshaiah,
District Manager's Office, Guntur.

..... APPELLANT

AND

Andhra Pradesh State Civil Supplies Corporation, Rep. by its Vice Chairman & Managing Director,
Hyderabad.

.....RESPONDENT

Counsel for the Appellant: MR.M.VIJAY KUMAR

Counsel for the Respondent No.: GP FOR CIVIL SUPPLIES

The Court Made the Following:

THE HON'BLE SRI JUSTICE G.BIKSHAPATHY

AND

THE HON'BLE SRI JUSTICE B.SESHASAYANA REDDY

WRIT APPEAL NO.1019 OF 2004

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JUDGMENT: (per the Hon'ble Sri justice G.Bikshapathy)

This writ appeal is filed assailing the order of the learned single Judge in W.P.No.14594 of 1993, dated 01.04.2004. The petitioner-appellant herein filed the writ petition challenging the order of punishment passed by the Vice Chairman & Managing Director of State Civil Supplies Corporation in proceedings No.P.Admn.29(4)/91, dated 23.01.1993, wherein the petitioner-appellant was imposed punishment of stoppage of one annual grade increment without cumulative effect besides recovery of Rs.30,843/-, that is the loss sustained by the Corporation.

2. The learned single Judge dismissed the writ petition with the following observation:

> "this writ petition is of the year 1993, which is coming up for consideration nearly after a lapse of eleven years. Hence, I am of the opinion that nothing survives to be adjudicated in the writ petition. Accordingly, the same is dismissed. No costs."

3. The learned counsel for the petitioner submits that the reason assigned by the learned single Judge is wholly misconceived and the writ petition could not have been dismissed for the reason that the same was pending before this Court for a considerable length of time. The learned single Judge ought to have proceeded with the matter and therefore the matter requires reconsideration in the hands of the learned single Judge. He further submits that in view of the long lapse of time, he is not challenging the punishment relating to the postponement of increment without cumulative effect. However, he submits that

the order of recovery is not sustainable.

4. The grievance of the petitioner is that the order relating to recovery of sum of Rs.30,843/- passed by the disciplinary authority is not valid as the same was already recovered even prior to the imposition of punishment and for that purpose he refers to the letter No.WH28 (1)/91-92, dated 03.10.1992, of the District Manager, wherein it was clearly stated as follows:

> "I also would like to mention here that the Dist. Manager, Food Corporation of India, Kakinada, has recovered an amount of Rs.30,843/- towards cost of 36-40 qtls., of rice (52 bags) @ Rs.423.67 x 2 per qtls, lost in theft, from the storage charges payable to the Civil Supplies Corporation for their stocks stored in civil Supplies corporation's godowns. As the stocks in the godown were not insured against risk of theft, by the head officer, there is no possibility of recovering the cost of stolen stocks from the Insurance Company."

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5. In view of the letter of the District Manager, the learned counsel for the petitioner submits that when once the amount was already recovered, the question of recovery again for the second time would not arise and therefore, to that extent it has to be set aside.

6. We have heard the matter at length. As far as the recovery is concerned, the District Manager categorically stated that the amount of Rs.30,843/- has already been recovered from the petitioner. In view of that, the punishment relating to the recovery cannot be given effect to.

7. With this modification, the writ appeal is disposed of. No costs.

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G. BIKSHAPATHY, J

06TH JULY, 2004.

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B.SESHASAYANA REDDY, J

YCR

DEPUTY REGISTRAR

//TRUE COPY//

SECTION OFFICER

Copy to:

1. The Vice Chairman & Managing Director,

Andhra Pradesh State Civil Supplies Corporation, Hyderabad.

2. 2 C.Cs to G.P. for Civil Supplies, High Court Bldgs, Hyderabad (OUT)

3. 2 C.D. copies